## RECEIVED

## IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

MAR - 2 2006

SHERRI L. DAVIS, et al.,

**PLAINTIFFS** 

CLERK
U.S. DISTRICT COURT
MIDDLE DIST. OF ALA.

vs.

CIVIL ACTION No. CV-2006-0019

TMA FOREST PRODUCTS GROUP, etc., et al.,

2:06CV187-D.

**DEFENDANTS** 

## NOTICE OF FILING OF REMOVAL

To: Circuit Court of Covington County, Alabama

Notice is hereby given that pursuant to U.S.C. §§ 1332, 1441 and 1446, Defendants Pactiv Corporation ("Pactiv") and Louisiana-Pacific Corporation ("Louisiana-Pacific") removed this case from the Circuit Court for Covington County, Alabama to the United States District Court for the Middle District of Alabama, Northern Division on Feburary 28, 2006.

A copy of the Notice of Removal filed with the United States District Court for the Middle District of Alabama is attached hereto as Exhibit A.

Respectfully submitted this 28th day of February, 2006.

Dennis R. Bailey (BAI028)

Counsel for Defendant Louisiana-Pacific

Corporation

SCANNED 18 3206 OF COUNSEL:

RUSHTON, STAKELY, JOHNSON, & GARRETT, P.A. 184 Commerce Street
Post Office Box 270
Montgomery, AL 36101-0270

Tel: (334) 206-3100 Fax: (334) 262-6277

Bailey e-mail: <u>drb@rsjg.com</u> Huffaker e-mail: <u>rah2@rsjg.com</u>

## **CERTIFICATE OF SERVICE**

This is to certify that I have this day served upon all counsel of record a copy of the within and foregoing FILING OF NOTICE OF REMOVAL by causing a copy of same to be deposited in the United States Mail, postage prepaid, and properly addressed as follows:

W. Eason Mitchell
The Colom Law Firm, LLC
Post Office Box 866
Columbus, Mississippi 39703-0866

Gregory A. Cade Environmental Litigation Group 3529 Seventh Avenue South Birmingham, Alabama 35222

This 28th day of February, 2006.

Dennis R. Bailey

Unified Judicial System	SUMMONS	Case Number
Form C-34 Rev 6/88	- CIVIL -	CV-06-19
IN THE	CIRCUIT COURT OF	COVINGTON COUNTY
Plaintiff Sherri	L. Davis, et al. v. Defendant TMA	Forest Products Group, et al.
NOTICE TO	TMA Forest Products Group or PACTIV	Corporation
TO PROTECT YOUR RIGHTS. Y ANSWER, EITHER ADMITTING (	TACHED TO THIS SUMMONS IS IMPORTANT AND YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE OR DENYING EACH ALLEGATION IN THE COMPLAINT OF THE MAILED OR HAND DELIVERED BY YOU OR YOU WE. Eason Mitchell	THE ORIGINAL OF YOUR WRITTEN
ADDRESS IS	The Colom Law Firm, P.O. Box 866, Columbus,	<del></del>
THIS ANGLES BALLET DE BAALLE		
THIS ANSWER MUST BE MAILE WERE DELIVERED TO YOU OR THINGS DEMANDED IN THE CO	A JUDGMENT BY DEFAULT MAY BE ENTERED AGAIN	ER THIS SUMMONS AND COMPLAIN' NST YOU FOR THE MONEY OR OTHEI
	mail of this summons is initiated upo pursuant to the Alabama	Rules of Civil Procedure.
	mail of this summons is initiated upopursuant to the Alabama Rogu a.	on the written request of Rules of Civil Procedure.  Poww By:
Service by certified	mail of this summons is initiated upo pursuant to the Alabama	Rules of Civil Procedure.
Service by certified	mail of this summons is initiated upon pursuant to the Alabama Rogu Cl. Clerk/Register	Rules of Civil Procedure.
Service by certified  Date 1/30/06	mail of this summons is initiated upopursuant to the Alabama Pogu Cl. Clerk/Register	Rules of Civil Procedure.  Power By: A
Date	mail of this summons is initiated upon pursuant to the Alabama Rogu a.  Clerk/Register  by requested.  Wasse	Rules of Civil Procedure.  Power By: A
Service by certified  Date 1/30/06	mail of this summons is initiated upon pursuant to the Alabama Pogu a.  Clerk/Register  by requested.  Plaintiff's/Attorney  Errage P  SENDER: COMPLETE THIS SECTION	Rules of Civil Procedure.  POWW By: Here  Signature  COMPLETE THIS SECTION ON DELIVE
Date	pursuant to the Alabama  Pursuant to the Alabama  Clerk/Register  Dy requested.  Plaintiff's/Attorney  SENDER: COMPLETE THIS SECTION  Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  Print your name and address on the reverse so that we can return the card to you.  Attach this card to the back of the mailpiece.	Rules of Civil Procedure.  PDWW By: By: Complete THIS SECTION ON DELIVER  A. Sibrature A. Sibrature B. Received by (Printed Name) C.
Date  1/30/06    Certified Mail is here!   Data	pursuant to the Alabama  Pursuant to the Alabama  Clerk/Register  Dy requested.  Plaintiff's/Attorne  SENDER: COMPLETE THIS SECTION  Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  Print your name and address on the reverse so that we can return the card to your	Rules of Civil Procedure.  POWW By: Sy's Signature  COMPLETE THIS SECTION ON DELIVER  A. Sibrature  X. Manusco
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Date  1/30/06    Date	pursuant to the Alabama  Pursuant to the Alabama  Clerk/Register  Dy requested.  Plaintiff's/Attorney  SENDER: COMPLETE THIS SECTION  Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  Print your name and address on the reverse so that we can return the card to you.  Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:  PACTIV Corporation	Rules of Civil Procedure.  PDWW By: By: Signature  y's Signature  A. Signature  B. Received by (Printed Name)  S. SLAWSON  D. Is delivery address different from item 12
Date 1/30/06    X   Certified Mail is here!   X   Certified Mail i	pursuant to the Alabama  Clerk/Register  Dy requested.  Plaintiff's/Attorne  SENDER: COMPLETE THIS SECTION  Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  Print your name and address on the reverse so that we can return the card to you.  Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:  PACTIV Corporation  c/o The Corporation Company  2000 Interstate Park Drive	Rules of Civil Procedure.  PDWW By: By: Signature  y's Signature  COMPLETE THIS SECTION ON DELIVE  A. Signature  B. Received by (Printed Name)  S. SL AUSON  D. Is delivery address different from item 1?  If YES, enter delivery address below:
Date 1/30/06    X   Certified Mail is here!   X   Certified Mail i	pursuant to the Alabama  Clerk/Register  Dy requested.  Plaintiff's/Attorney  SENDER: COMPLETE THIS SECTION  Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  Print your name and address on the reverse so that we can return the card to you.  Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:  Pos  PACTIV Corporation  c/o The Corporation Company  2000 Interstate Park Drive  Suite 204	Rules of Civil Procedure.  POWELL By: By: Signature  y's Signature  COMPLETE THIS SECTION ON DELIVE  A. Signature  B. Received by (Printed Name)  C. S. J. Auso J.  D. Is delivery address different from item 1?  If YES, enter delivery address below:  3. Service Type  Certified Mail    Express Mail
Date 1/30/06    X   Certified Mail is here!   X   Certified Mail i	pursuant to the Alabama  Plaintiff's/Attorney  SENDER: COMPLETE THIS SECTION  Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  Print your name and address on the reverse so that we can return the card to you.  Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:  Pos  PACTIV Corporation  c/o The Corporation Company  2000 Interstate Park Drive  Suite 204  Montgomery, AL 36109	Rules of Civil Procedure.  POWELL By:  W's Signature  COMPLETE THIS SECTION ON DELIVE  A. Signature  B. Received by (Printed Name)  C.  S. S. Ausor  D. Is delivery address different from item 17:  If YES, enter delivery address below:  3. Service Type

PS Form 3811, February 2004

Domestic Return Receipt

Recij Street City, 5

State of Ala Unified Jud	icial System		SUMMONS		Case Number
Form C-34	Rev 6/88		- CIVIL -		CV-06-19
IN THE	, , , , , , , , , , , , , , , , , , ,	CIRCUIT	COURT OF	COVING	COUNT
Plaintiff	Sherr	i L. Davis, et al.	v. Defendant	TMA Forest Pro	oducts Group, et al.
NOTICE TO		·	Louisiana-Pacific Corpo	oration	•
TO PROTECT Y ANSWER, EITH COPY OF YOU	YOUR RIGHTS. ER ADMITTING R ANSWER ML	YOU OR YOUR AT	SUMMONS IS IMPORTANT A FTORNEY ARE REQUIRED TO HALLEGATION IN THE COMPLETAND DELIVERED BY YOU O W. Eason Mitchell	FILE THE ORIGINAL FILE (	NAL OF YOUR WRITTE CLERK OF THIS COURT.
ADDRESS IS			aw Firm, P.O. Box 866, Colur	nbus, MS 39703	
WERE DELIVER		R A JUDGMENT BY	WITHIN 30 DAYS DEFAULT MAY BE ENTERED A		MMONS AND COMPLAIN R THE MONEY OR OTHE
☐ You are upon the	hereby come defendant.	manded to serv	ORIZED by the Alabama e this summons and a consummons is initiated	opy of the cor	nplaint in this actio
☐ You are upon the ☑ Service	hereby come defendant.	manded to serv	summons is initiated pursuant to the Alaba	opy of the cor upon the w ama Rules of Ci	nplaint in this actio
☐ You are upon the ☑ Service ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	hereby come defendant. by certified	manded to serv	summons and a consummons and a consummons is initiated pursuant to the Alaba	opy of the corupon the warma Rules of Ci	nplaint in this actio ritten request of ivil Procedure.
☐ You are upon the ☑ Service ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	hereby come defendant. by certified	manded to serv	e this summons and a consummons is initiated pursuant to the Alaba Clerk/Register	opy of the corupon the warma Rules of Ci	mplaint in this action ritten request of ivil Procedure.  Mu By:   Mullipse By:
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PS Form 3811. February 2004

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PS

02595-02-M-154

	ystem	SUMMONS		Case Number
Form C-34 Rev	6/88	- CIVIL -		CV-06-19
IN THE	CIRCUIT	COURT OF	COVINGTON	COUNTY
Plaintiff	Sherri L. Davis, e	et al. <b>v. Defendant</b> TI	MA Forest Produ	cts Group, et al.
NOTICE TO	D & I	D Lumber Company, Inc. d/b/a Lockha	art Lumber Compa	any
ANSWER, EITHER ADI	RIGHTS. YOU OR YO MITTING OR DENYIN WER MUST BE MAIL	O THIS SUMMONS IS IMPORTANT AND OUR ATTORNEY ARE REQUIRED TO FI NG EACH ALLEGATION IN THE COMPLAI LED OR HAND DELIVERED BY YOU OR Y W. Eason Mitchell	LE THE ORIGINAL NT WITH THE CLEF	. OF YOUR WRITTEN
ADDRESS IS	The C	Colom Law Firm, P.O. Box 866, Columbi	us, MS 39703	`
THIS ANSWER MUST WERE DELIVERED TO THINGS DEMANDED	YOU OR A JUDGME	ENT BY DEFAULT MAY BE ENTERED AG	FTER THIS SUMMO AINST YOU FOR TH	ONS AND COMPLAINT HE MONEY OR OTHER
		pursuant to the Alabam	ia Kules of Civil	Procedure
Date1	/30/06	Clerk/Register	i. Power	
Date		Clerk/Register sted.  W. Gasa	. flested	
X Certified Mai	l is hereby reque	Clerk/Register	. flested	
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Example 1	I is hereby reques	Clerk/Register  Sted.  Plaintiff's/Attorn  NDER: COMPLETE THIS SECTION  Complete items 1, 2, and 3. Also complete item 4 ff Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece,	COMPLETE THE A Signature  B Received by  D. Is delivery ad	By:
Stal Service IFIED MAIL RECEIPT Stic Mail Only; No Insura  Postage \$ 1.83  Certified Fee Receipt Fee ent Required) Delivery Fee ent Required)	I is hereby reques	Clerk/Register  Sted.  Plaintiff's/Attorn  NDER: COMPLETE THIS SECTION  Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.  Article Addressed to:  D & D Lumber Company, Inc. Paul S. Allersmeyer John S. Hoenigmann	COMPLETE THE A Signature  B Received by  D. Is delivery ad  If YES, enter  3. Service Type  Certified M  Registered  Insured M	By:

PS For